

### REMARKS

Claims 39, 40, 42-50 and 65-67 are pending. Claims 39, 40 and 42-50 were previously withdrawn. Claims 65-67 are rejected.

#### Rejections under 35 U.S.C. § 102

Claims 65 and 67 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,287,285 to Michal et al. ("Michal").

Claim 65 now recites an implantable device comprising a coating. The coating comprises: (a) a reservoir layer comprising a polymer and a drug dispersed in the reservoir layer; and (b) a primer region free from any drugs located between the reservoir layer and the surface of the device. The primer region comprises a material selected from a group consisting of **polvisocyanates, high amine content polymers, inorganic polymers, and any combination thereof.**

Michal describes an intracorporeal medical device. The device can include a coating having a base coat and a topcoat. The base coat includes a grafting component and a binding component. The grafting component can include vinyl, acrylate and allyl compounds. However, Michal does not disclose a coating having a base coat that includes a material selected from **polvisocyanates, high amine content polymers, inorganic polymers, or any combination thereof.** Therefore, claim 65 is patentably allowable over Michal under 35 U.S.C. § 102(e).

Claim 67 is now dependant from claim 66, which, as the Examiner correctly indicates, is free from prior art. Claim 66 is now allowable with the disclaimers submitted herewith (please see the discussion below). Therefore, claim 67 is now free from prior art and allowable.

Claims 65 and 67 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent publication No. 2002/0120326 by Michal et al. ("Michal 2").

Michal 2 describes a copolymer of ethylene that can include carboxylic acid moieties. The copolymer can be used to form a primer in a coating on a medical device (see paragraphs [0015]-[0023]). However, Michal 2 does not describe a coating having a primer that includes a material selected from **polyisocyanates, high amine content polymers, inorganic polymers, or any combination thereof**. As such, claim 65 is patentably allowable over Michal 2 under 35 U.S.C. §102(e).

Claim 67 is free from prior art and now allowable (see the discussion above).

Claims 65 and 67 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent publication No. 2002/0111590 by Davila et al. (“Davila”).

Davila describes a medical device including a stent having a coating. The coating can include a primer layer formed of a polymer such as a polymer of vinylidene fluoride and hexafluoropropylene, a topcoat and a therapeutic agent. However, Davila does not describe a coating having a primer that includes a material selected from **polyisocyanates, high amine content polymers, inorganic polymers, or any combination thereof**. As such, claim 65 is patentably allowable over Davila under 35 U.S.C. §102(e).

Claim 67 is free from prior art and now allowable (see the discussion above).

#### **Double patenting**

Claims 65-67 are rejected on the ground of nonstatutory obviousness-type double patenting over claims 1, 3 and 14 of U.S. Patent No. 6,287,285. Applicants believe the terminal disclaimer submitted herewith renders these rejections moot.

Claims 65-67 are rejected on the ground of nonstatutory obviousness-type double patenting over claims 1, 2 and 5 of U.S. application No. 11/506,656. Applicants believe the terminal disclaimer submitted herewith renders these rejections moot.

The undersigned authorizes the examiner to charge any fees that may be required or credit of any overpayment to be made to Deposit Account No. 07-1850.

**CONCLUSION**

Withdrawal of the rejection and allowance of the claims are respectfully requested. **If the Examiner has any suggestions or amendments to the claims to place the claims in condition for allowance, applicant would prefer a telephone call to the undersigned attorney for approval of an Examiner's amendment.** If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

Date: January 11, 2008

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Respectfully submitted,



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